

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:
THE BASU GROUP INC.,	:
	:
	:
Plaintiff,	:
	:
v.	:
	:
SEVENTH AVENUE, INC.,	:
	:
Defendant.	:
-----X	

Civil Action No. 16-cv-00461-PGG
ECF CASE

**DECLARATION OF MICHAEL R. GILMAN
IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

I, Michael R. Gilman, declare that I am lead counsel and attorney of record for Plaintiff The Basu Group Inc. ("Plaintiff") in the above captioned action ("Action") and have full knowledge of this issues involved herein, as follows:

1. Attached as Exhibit A is a true and correct copy of a paper Visual Arts (VA) application form and its instructions, available at least from the U.S. Copyright Office website at <https://www.copyright.gov/forms/formva.pdf>.

2. Attached as Exhibit B are true and correct copies of the following Sections from the U.S. Copyright Office Compendium III, Chapter 600, Sections 621.2, 621.9(A)(1), 612.7(I).

3. Attached as Exhibit C are true and correct copies of the following pages from the deposition transcript of the Rule 30(b)(6) deposition of Bhaskar Basu ("Basu Depo."), taken by Defendant's counsel on November 21, 2016: Pages 41-42, 45-46, 48, 58-59, 60-61 and 139-140.

4. Attached as Exhibit D is a true and correct copy of the earlier Complaint filed by Plaintiff in this Court against Defendant on July 19, 2012, assigned Civil Case No. 1:12-cv-

05565-RJS-SN (“Prior Action”) asserting, amongst other causes of action, copyright infringement of the same copyright rights asserted by Plaintiff in this Action.

5. Attached as Exhibit E is a true and correct copy of the email correspondence between employees of Defendant, expressly noting Plaintiff and a known problem with Plaintiff’s Peacock art.

6. Attached as Exhibit F are true and correct copies of pages 39-40 of the Rule 30(b)(6) deposition transcript taken of Paula Ludwig (“Ludwig Depo.”), by Plaintiff’s counsel on November 18, 2016.

7. Attached as Exhibit G to the Rule 56.1 Appendix is a true and correct copy of the document entitled, “Biacchi Inc.’s Response to Plaintiff’s First Set of Interrogatories Nos. 1 to 7” in the Prior Action.

8. Attached as Exhibit H is a true and correct copy of the Notice Letter dated March 30, 2009 from Plaintiff’s counsel to Biacchi, Inc. prior to commencing the Prior Action.

9. Attached as Exhibit I is a true and correct copy of the Declaration of Bhaskar Basu.


10. Attached as Exhibit J are true and correct copies of copies of pages of Defendant’s website, produced in this Action by Defendant, showing consumer items offered for sale by Defendant bearing Peacock art.

11. Attached as Exhibit K are true and correct copies of third party Peacock art images produced by Defendant in the Prior Action.

12. Attached as Exhibit L are true and correct copies of third party Peacock art images produced by Defendant in this Action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 21st day of April, 2017 in Matawan, NJ, USA.

By: 
Michael R. Gilman

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the document entitled **“DECLARATION OF MICHAEL R. GILMAN IN SUPPORT OF PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION FOR SUMMARY JUDGMENT”** was served on the below identified counsel for Defendant, on this 21st day of April, 2017, via UPS courier, prepaid:

David C. Brezina, Esq.
Ladas & Parry LLP
224 South Michigan Avenue, Suite 1600
Chicago, IL 60604
(Attorneys for Defendant Seventh Avenue, Inc.)

Dated: April 21, 2017

By: /s/ Michael R. Gilman
Michael R. Gilman (MG 7608)